

REMARKS

The Examiner has rejected Claims 16-25, 28, 32 and 33 under 35 U.S.C. 103(a) as being unpatentable over Bailey et al. in view of Crane. Claim 17 was rejected under 35 U.S.C. 103(a) Bailey et al. in view of Crane and further in view of Ward et al. Claims 29-31 were rejected under 35 U.S.C. 103(a) over Bailey et al. in view of Crane and further in view of Cox.

Claims 16, 18-25, 28, 32 and 33

Applicants respectfully submit that the Examiner has misconstrued the claimed invention and the teachings of Bailey, et al. and Crane in arriving at the conclusion that it would be obvious to combine Bailey and Crane to arrive at the claimed invention.

First, the claimed invention, as set forth in the Amended independent claims, provides for a bookmark wherein the bookmark is held in place by the abutment of top and bottom anchors against the exterior edges of the pages of the book without overlapping the pages or spine of the book. The top and bottom anchors do not extend within the book and engage either the spine or pages of the book.

As acknowledged by the Examiner, Bailey et al. does not utilize abutment members but instead uses hooks B to overlap and engage the spine of the book. Similarly, Ward et al. utilizes hooks which overlap and engage the pages of the book rather than the spine. Neither Bailey et al. nor Ward et al. utilizes abutment members as claimed by applicants.

Recognizing this fact the Examiner cites Crane as teaching the use of abutment members. However, Applicants respectfully disagree with the Examiner's construction of Crane. There is absolutely no suggestion in Crane that the head and leg portions of Crane are thicker than the intermediate section. In order to justify the combining of Crane and Bailey, et al., the Examiner states:

“However, whether or not the ‘head’ and ‘legs’ of Crane can be called abutment members of the modified device of Bailey et al. include the hooks B of Bailey which are thicker than the intermediate ribbon portion.”

Applicants submit that adding the head and leg portions of Crane to the hooks of Bailey et al. will not result in the claimed invention and therefore the Section 103 rejection should be withdrawn.

Claims 17 and 29-31

Claims 17 and 29-31 were rejected over the same combination of Bailey, et al. and Crane as the claims discussed above. Therefore, Applicants submit that said claims are allowable for the same reasons discussed above.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 16, 30, and 32 have been amended as follows:

16. (Fourth Amended) A bookmark for use in between pages of a book having a spine and a binding comprising:

a flexible, elongated, intermediate member having a first end and an opposing second end, said member having a predetermined length and thickness, said thickness being of a size to allow said intermediate member to extend between the pages of the book and along the length of the spine of the book without stretching its binding;

a top anchor for abutting the edges of the pages of the book having a thickness greater than the thickness of the intermediate member and being in the form of a portion of a character including a head end secured to said first end;

a bottom anchor for abutting the edges of the pages of the book having a thickness greater than the thickness of the intermediate member and being in the form of a second portion of said character secured to said second end;

wherein the length of said intermediate member may be extended from its predetermined length to accommodate books of different sizes; and

wherein said anchors inhibit removal of the bookmark in a direction parallel to the length of the spine when the bookmark is inserted within said book without overlapping the pages or spine of the book.

30. (Fourth Amended) A bookmark for insertion between the pages of a book including a spine and comprising:

a thin, flexible, elongated connector having a first end and an opposing second end, said connector having a predetermined length;

a three-dimensional, first stop for abutting the edges of the pages of the book in the form of a figure having an upper torso supporting a head and a pair of forelimbs located at said first end of said connector;

a three-dimensional second stop for abutting the edges of the pages of the book in the form of a lower torso portion of said first stop including a retention member for retaining a coiled portion of said connector located at said second end of said connector; and

wherein said stops inhibit the removal of the bookmark in a direction substantially parallel to the length of the spine when the bookmark is inserted between pages of the book without overlapping the pages or spine of the book.

32. (Fourth Amended) A bookmark for use in between pages of a book having a spine and a binding comprising:

a flexible, elongated, intermediate member having a first end and an opposing second end, said member having a predetermined length and thickness, said thickness being of a size to allow said intermediate member to extend between the pages of the book and along the length of the spine of the book without stretching its binding;

a top anchor for abutting the edges of the pages of the book having a thickness greater than the thickness of the intermediate member and being in the form of the upper body portion of a character including a head end secured to said first end;

a bottom anchor for abutting the edges of the pages of the book having a thickness greater than the thickness of the intermediate member and being in the form of the lower body portion of said character secured to said second end; and

wherein said anchors inhibit removal of the bookmark in a direction parallel to the length of the spine when the bookmark is inserted between the pages of the book without overlapping the pages or spine of the book .

CONCLUSION

Applicants respectfully submit that the Examiner's rejection of Claims 16-25 and 28-33 based upon Bailey, et al. and Crane is improper and should be withdrawn. Applicants earnestly request the issuance of a Notice of Allowance. If there are any remaining informalities to be addressed in order to put the application in condition for allowance a telephonic interview with the Examiner is requested.

Please charge any additional fees payable in connection with this Amendment to Deposit Account No. 21-0800.

Sincerely,

FULWIDER PATTON LEE & UTECHT, LLP



Gary M. Anderson
Registration No. 30,729

Fulwider Patton Lee & Utecht, LLP
200 Oceangate, Suite 1550
Long Beach, California 90802
(562) 432-0453

Customer No: 27629